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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

IN RE LEVIA ESPINOSA,	)	Case No.: 1:05-cv-00458 AWI
	)	
	)	On Appeal from U.S. Bankruptcy
UNITED STATES OF AMERICA,	)	Court (E.D. Cal.)
	)	Bankr. Case No.: 04-17730-A-13
Appellant,	)	
	)	<b>JOINT STIPULATION FOR</b>
v.	)	<b>DISMISSAL OF APPEAL AS MOOT;</b>
	)	<b>ORDER</b>
LEVIA ESPINOSA,	)	
	)	
Appellee.	)	

Pursuant to the Court's Order re Briefing Schedule, filed August 25, 2006, appellant the United States of America, and appellee Levia Espinosa, by and through undersigned counsel, hereby notify the Court that this bankruptcy appeal is moot.

In this appeal, the United States appealed from the bankruptcy court's denial of its motion for relief from the automatic stay in appellee Levia Espinosa's Chapter 13 bankruptcy case, *In re Espinosa*, Bankr. Case No. 04-17730-A-13 (Bankr. E.D. Cal.). On October 10, 2006, the United States and the debtor, appellee Levia Espinosa, stipulated to the dismissal of the

1 underlying bankruptcy case (No. 04-17730-A-13). Based on the  
2 parties' stipulation, the Bankruptcy Court issued an order on  
3 October 10, 2006 dismissing the case.

4 As a result of the dismissal of the bankruptcy case, the  
5 automatic stay pursuant to 11 U.S.C. 362 is now dissolved, and  
6 the relief sought by the United States in the present appeal is  
7 now moot.

8 Accordingly, the parties stipulate and respectfully request  
9 that this appeal be dismissed as moot. The parties further  
10 stipulate that each party shall bear its own costs and fees on  
11 this appeal.

12 Respectfully submitted,  
13 Dated: October 12, 2006 McGREGOR W. SCOTT  
14 United States Attorney  
15 /s/ Kirk E. Sherriff  
16 KIRK E. SHERRIFF  
17 Assistant U.S. Attorney  
18 Attorneys for Appellant  
19 the United States of America  
20 Dated: October 11, 2006 Law Offices of Henry D. Nunez

21 /s/ Henry D. Nunez  
22 HENRY D. NUNEZ  
23 Attorney for Appellee  
24 Levia Espinosa  
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**ORDER**

Appellant the United States of America and appellee Levia Espinosa have filed a Joint Stipulation requesting that the Court enter an Order dismissing this appeal as moot, with each party to bear its own costs and fees on the appeal.

IT IS SO ORDERED.

IT IS HEREBY ORDERED that this appeal is dismissed.

IT IS SO ORDERED.

**Dated: October 13, 2006**  
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**/s/ Anthony W. Ishii**  
**UNITED STATES DISTRICT JUDGE**